THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:16832 of 2007

DATED:10-08-2007

BETWEEN:

Vallepu Venkateswarlu.

..... PETITIONER

AND

The Deputy Commissioner of Police,
Prohibition & Excise,
Guntur.

.....RESPONDENT

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Prohibition & Excise appearing for the respondent.

2. Petitioner seeks a writ of mandamus declaring the action of the respondent in issuing the impugned proceedings in Rc.No.149/2007/A4, dated 19-07-2007, as illegal, arbitrary, and consequently direct the respondent to give interim custody of the auto bearing No.AP7W-9829 by taking the property as surety and not to insist for production of bank guarantee.

3. It is the case of the petitioner that he is the owner of the auto bearing No.AP7W-9829 and the said auto has been seized and detained by the Prohibition & Excise Sub-Inspector of Police, Piduguralla, Guntur District in connection with the offence said to have been committed in P.R.No.59/07-08. It is stated that the petitioner has no knowledge about the transport of the illicit liquor by a passenger and also about the illicit possession of the liquor.

4. It is the case of the petitioner that no doubt confiscation proceedings are pending before the respondent in which petitioner made a representation for grant of interim custody but on the said representation respondent imposed onerous condition of furnishing bank guarantee of Rs.60,000/- from any National Bank which is

the value of the auto itself. It is stated that the petitioner is a poor person and the said auto has been taken on finance and he is not able to pay even the instalments and therefore he requests to modify the said condition imposed by the respondent and permit the petitioner to furnish Rs.30,000/- bank guarantee and surety for the remaining amount of Rs.30,000/-.

5. I am not inclined to express any opinion with regard to the merits of the case, but however having regard to the facts and circumstances, respondent is directed to release the said vehicle on furnishing bank guarantee for a sum of Rs.30,000/-(rupees thirty thousand only) and surety for remaining sum of Rs.30,000/- and on filing an undertaking before the respondent that he will produce the vehicle as and when required before the concerned Excise Officers and he will not alienate, damage, or diminish the value of the said vehicle, pending disposal of the confiscation proceedings.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V. ESWARAIAH,J

10th August, 2007
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